

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *LC* D.C.

05 JUL 26 PM 5:11

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

HOME DESIGN SERVICES,

Plaintiff,

vs.

SPARKMAN HOME BUILDERS,
et al.,

Defendants.

Civ. No. 03-2709-D/P

ORDER GRANTING IN PART DEFENDANTS' MOTION FOR LEAVE TO TAKE
SUPPLEMENTAL DEPOSITIONS, FOR EXTENSION OF TIME TO RESPOND TO
MOTION FOR SUMMARY JUDGMENT AND TO EXTEND SCHEDULING ORDER

Before the court is defendants' Motion for Leave to Take Supplemental Depositions, for Extension of Time to Respond to Motion for Summary Judgment and to Extend Scheduling Order, filed July 15, 2005 (dkt #63). On July 25, 2005, the court held a hearing on the motion. Counsel for all parties participated via telephone. At the conclusion of the hearing, the court found good cause to grant the motion in part as follows:


1. By no later than September 30, 2005, the defendants shall complete the deposition of James Zirkel relating to documents produced by the plaintiff on July 5, 2005 (sales and transaction summaries), and take the deposition of Minnie Meola. Defendants may not depose Russell Kingman, as this witness was identified in

Mr. Zirkel's March 22, 2005 deposition and defendants could have noticed Mr. Kingman's deposition before the close of discovery. The court further found that the July 5 document production did not impede the defendants' ability to notice Mr. Kingman's deposition before the close of discovery.

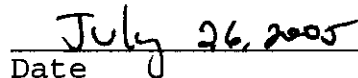
2. All parties shall have until October 31, 2005, to file new dispositive motions or supplement existing dispositive motions. With respect to plaintiff's pending motion for summary judgment, this motion will be held in abeyance until October 31, at which time the plaintiff may either file a new motion for summary judgment in lieu of the pending motion, or supplement its existing motion. The defendants will thereafter have 30 days to file a new response to plaintiff's summary judgment motion, or supplement its existing response.

3. The District Judge will notify the parties of the new trial date.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge



Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 69 in case 2:03-CV-02709 was distributed by fax, mail, or direct printing on August 1, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT